

IC 25-8-3

Chapter 3. State Board of Cosmetology Examiners

IC 25-8-3-1**Establishment**

Sec. 1. The state board of cosmetology and barber examiners is established.

As added by P.L.257-1987, SEC.2. Amended by P.L.84-2010, SEC.29.

IC 25-8-3-2**Members; appointment**

Sec. 2. The board consists of seven (7) members. The governor shall appoint all the members of the board.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-3**Repealed**

(Repealed by P.L.84-2010, SEC.102.)

IC 25-8-3-4**Repealed**

(Repealed by P.L.84-2010, SEC.102.)

IC 25-8-3-5**Board membership qualifications**

Sec. 5. (a) Each of the members of the board must reside in Indiana.

(b) The members of the board must meet the following qualifications:

(1) Two (2) of the members must:

(A) possess a current cosmetologist license; and

(B) have practiced cosmetology in Indiana continuously for at least five (5) years immediately before appointment.

(2) Two (2) of the members of the board must:

(A) possess a current barber license; and

(B) have practiced barbering in Indiana continuously for at least five (5) years immediately before appointment.

(3) One (1) of the members must be an owner or operator of a barber or cosmetology school. However, the member may not be a licensed barber or cosmetologist.

(4) One (1) of the members must be licensed as an electrologist, an esthetician, or a manicurist.

(5) One (1) of the members must not have any association with cosmetology or barbering, except as a consumer.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.6; P.L.84-2010, SEC.30.

IC 25-8-3-6**Board member political affiliation**

Sec. 6. No more than five (5) members of the board may belong to the same political party.

As added by P.L.257-1987, SEC.2. Amended by P.L.84-2010, SEC.31.

IC 25-8-3-7

Term of office

Sec. 7. Each board member serves a term of three (3) years, beginning on the date of appointment and continuing until:

(1) the member is removed under section 8 of this chapter; or

(2) a successor is appointed.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-8

Removal; grounds

Sec. 8. The governor may remove a board member for incompetency or failure to perform the member's duties under this chapter.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-9

Appointment of successor

Sec. 9. If a member of the board is removed under section 8 of this chapter, the governor shall appoint a successor to serve for the remainder of the unexpired term.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-10

Election of officers

Sec. 10. The board shall, at its first meeting of each year, elect a president, vice president, and secretary from among its membership. Election of an officer under this section requires a majority vote of all the members of the board.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-11

Officers; terms of office

Sec. 11. The officers elected under section 10 of this chapter have terms of one (1) year, beginning upon election and ending upon the election of a successor.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-12

Officers; vacancy

Sec. 12. If an office described in section 10 of this chapter becomes vacant, the board may fill the vacancy at its next meeting following the vacancy.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-13

Quorum

Sec. 13. The board must have a quorum to transact business. Four (4) members of the board constitute a quorum.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-14**Business office**

Sec. 14. The agency shall furnish the board with suitable quarters to conduct its business.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-15**Seal**

Sec. 15. The board shall adopt a seal to authenticate its orders and records.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-16**Records**

Sec. 16. The agency shall maintain a record of:

- (1) the proceedings of the board;
- (2) each person licensed under this article, stating the:
 - (A) name of the person; and
 - (B) address of the person;
- (3) licenses issued under this article, stating the:
 - (A) number assigned to the license by the agency;
 - (B) date the license was issued; and
 - (C) actions taken by the board concerning the license, including any renewal, suspension, and revocation; and
- (4) applications for a license under this article that were refused.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.7.

IC 25-8-3-17**Per diem and incurred expenses**

Sec. 17. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-18**Disposition of receipts**

Sec. 18. All money received under this article shall be paid to the agency.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-19**Receipts; deposit**

Sec. 19. The agency shall deposit all money received under this article with the treasurer of state.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.8.

IC 25-8-3-20**Repository of receipts**

Sec. 20. The treasurer of state shall deposit the money received under section 19 of this chapter in the state general fund.

As added by P.L.257-1987, SEC.2. Amended by P.L.1-1990, SEC.250.

IC 25-8-3-21**Administration expenses**

Sec. 21. The agency shall pay for the expenses for administering this article from the state general fund under appropriations designated for that purpose.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-22**Implementing rules**

Sec. 22. The board may adopt rules under IC 4-22-2 to implement this article.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-23**Rules prescribing sanitary requirements, establishing standards, implementing licensing system, and establishing requirements for mobile salons**

Sec. 23. (a) The board shall adopt rules under IC 4-22-2 to:

(1) prescribe sanitary requirements for:

- (A) cosmetology salons;
- (B) electrology salons;
- (C) esthetic salons;
- (D) manicuring salons;
- (E) cosmetology schools;
- (F) barber shops; and
- (G) barber schools;

(2) establish standards for the practice of cosmetology and the operation of:

- (A) cosmetology salons;
- (B) electrology salons;
- (C) esthetic salons;
- (D) manicuring salons;
- (E) cosmetology schools;
- (F) barber shops; and
- (G) barber schools;

(3) implement the licensing system under this article and

provide for a staggered renewal system for licenses; and
(4) establish requirements for cosmetology school uniforms for students and instructors.

(b) The board may adopt rules under IC 4-22-2 to establish the following for the practice of cosmetology, barbering, electrology, esthetics, or manicuring in a mobile salon:

- (1) Sanitation standards.
- (2) Safety requirements.
- (3) Permanent address requirements at which the following are located:
 - (A) Records of appointments.
 - (B) License numbers of employees.
 - (C) If applicable, the vehicle identification number of the license holder's self-contained facility.
- (4) Enforcement actions to ensure compliance with the requirements under this article and all local laws and ordinances.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.9; P.L.197-2007, SEC.30; P.L.84-2010, SEC.32.

IC 25-8-3-24

Enforcement personnel; compensation

Sec. 24. The agency shall provide inspectors, investigators, and clerks to enforce this article. The agency shall fix their compensation and reimburse them for their necessary expenses incurred in enforcing this article by payments from the state general fund under appropriations designated for that purpose.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-25

repealed

(Repealed by P.L.214-1993, SEC.91.)

IC 25-8-3-26

Sanitary rules given to licensees

Sec. 26. The board shall furnish each person licensed to operate:

- (1) a cosmetology salon;
- (2) an electrology salon;
- (3) an esthetic salon;
- (4) a manicuring salon;
- (5) a cosmetology school;
- (6) a barber shop; or
- (7) a barber school;

with a copy of the rules concerning sanitary requirements described in section 23(a)(1) of this chapter.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.10; P.L.84-2010, SEC.33.

IC 25-8-3-27

Posting sanitary requirement rules in salon or school

Sec. 27. A person operating:

- (1) a cosmetology salon;
- (2) an electrology salon;
- (3) an esthetic salon;
- (4) a manicuring salon;
- (5) a cosmetology school;
- (6) a barber shop; or
- (7) a barber school;

shall post the rules described in section 26 of this chapter in a conspicuous place in that salon or school.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.11; P.L.84-2010, SEC.34.

IC 25-8-3-28**Inspections**

Sec. 28. (a) A member of the board or any inspector or investigator may inspect:

- (1) a cosmetology salon;
- (2) an electrology salon;
- (3) an esthetic salon;
- (4) a manicuring salon;
- (5) a cosmetology school;
- (6) a mobile salon;
- (7) a barber shop; or
- (8) a barber school;

during its regular business hours.

(b) A member of the board or any inspector or investigator may inspect:

- (1) a cosmetology salon;
- (2) an electrology salon;
- (3) an esthetic salon;
- (4) a manicuring salon;
- (5) a cosmetology school;
- (6) a mobile salon;
- (7) a barber shop; or
- (8) a barber school;

before an initial license is issued.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.12; P.L.157-2006, SEC.37; P.L.177-2009, SEC.24; P.L.84-2010, SEC.35.

IC 25-8-3-29**Equal treatment for persons with criminal records**

Sec. 29. (a) The board may not adopt a rule establishing different standards for an inmate or former inmate of a penal institution who applies for:

- (1) admission to barber school; or
- (2) a license as a registered barber.

(b) A person who graduates from a barber school operated by a

penal institution may not have the person's license denied or revoked as a result of the acts for which the person was convicted.
As added by P.L.84-2010, SEC.36.